

Notice of Allowability

Application No.

10/710,458

Examiner

Dana Ross

Applicant(s)

PERRY ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Pre Appeal Conference filed 17 July 2006.
2. ☒ The allowed claim(s) is/are 6-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Mietzel on 18 September 2006.

The application has been amended as follows:

In the claims:

Cancel claims 1-5 and 17-20

Allowable Subject Matter

2. Claims 6-16 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art neither anticipates nor renders obvious a tool holder assembly for a cutting tool having an end surface and a fluid passage as claimed in independent claim 6, specifically wherein the combination of limitations includes the conduit, adjustment screw and counterbore as claimed with a sealing portion configured to inhibit fluid leakage between the flange section and the end surface.

In the previous office action, Claim 6 was rejected under US Pat. No. 5,593,258 (Matsumoto et al., hereafter '258) and US Pat. No. 5,004,382 (Yoshino, hereafter '382).

In Applicant's arguments filed with the request for a Pre-Appeal Conference, Applicant asserted that neither '258 nor '382 taught the limitation of "a seal portion configured to inhibit fluid leakage between the flange section and the end surface".

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Applicant's arguments were persuasive for the Pre-Appeal Conference.

It was determined that the "sealing portion" structure of claim 6 relates specifically to Applicant's seal which is located between the flange section and the end surface.

Neither '258 nor '382 teach a seal located between the flange section and end surface which inhibits fluid leakage between the flange section and the end surface.

Therefore neither '258 nor '382 anticipate the claimed invention.

US Pat. No. 3,024,030 (Koch, hereafter '030) and US Pat. No. 4,487,271 (Pomeroy et al., hereafter '271) both disclose a sealing portion (see reference number 12 of '030 and see reference number 142 of '271) which inhibits fluid leakage between the flange section and the end section.

Neither '030 nor '271 teach the adjustment screw as claimed, specifically wherein the threaded body section of the adjustment screw as claimed has an internal fluid passage.

Therefore neither '030 nor '271 anticipate the claimed invention.

US Pat. No. 3,905,609 (Sussman, hereafter '609) teaches an adjustment screw 13 with an internal fluid passage 14.

'609 does not teach the adjustment screw as claimed, specifically wherein the adjustment screw has a flange section having a larger diameter than the threaded body section, and does not disclose the seal to inhibit fluid leakage between the flange section and end surface.

Therefore '609 does not anticipate the claimed invention.

Furthermore, there is no motivation found to modify either '258, '382, '030, '271 or '690 to include all the limitations of claim 6, and furthermore, to modify the prior art to obtain

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Applicant's claimed invention would require hindsight and would destroy the workability of the prior art tool holders.

Therefore the prior art does not render obvious the claimed invention of independent Claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

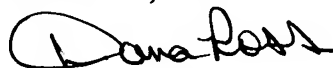
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dana Ross
Examiner
Art Unit 3722


dmr